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FM SECSTATE WASHDC  
TO AMEMBASSY BAMAKO IMMEDIATE 1294-1297

UNCLAS STATE 114215

SENSITIVE

C O R R E C T E D C O P Y (ADDED SENSITIVE CAPTION)

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [PREL](#) [KCRM](#) [KWMN](#) [PHUM](#) [SMIG](#) [ML](#)  
SUBJECT: MALI: TIP TIER 2 WATCH LIST ACTION PLAN  
(2009-2010)

REF: A. A. 2008 STATE 132759  
[1](#)B. B. 2007 STATE 150188  
[1](#)C. C. 2009 STATE 005577  
[1](#)D. D.  
[1](#)E. 2009 STATE 62182

- [1](#)1. (U) This is an action request (see paras 2-4).
- [1](#)2. (SBU) Begin action request: Drawing from points in para 8, Post is requested to approach appropriate host government officials to highlight the United States' strong commitment to continue to work with the Government of Mali to help strengthen its efforts to combat and prevent trafficking in persons (TIP) and to assist victims. Post is requested to convey the recommendations in para 9 as a non-paper and draw from the talking points in para 8 to explain to the host government the need for prompt action on the first set of recommendations for a positive review in the interim assessment that the Department will release to Congress by February 2010 and for movement out of the Tier 2 Watch List in next year's Report. Additional recommendations are also included in para 9 to aid the host government in making progress in its overall anti-TIP efforts. The notes indicated in brackets in the action plan are for post's background only and may be omitted from the non-paper. The Implementation Guidelines referenced in the action plan notes are contained in reftel B. These guidelines provide guidance to posts on how the Minimum Standards of the Trafficking Victims Protection Act, as amended, (TVPA) are implemented, and have been cleared by regional bureaus.
- [1](#)3. (SBU) Action request continued: Post is further requested to emphasize to the Government of Mali that the first set of recommendations is designed to help remedy the specific shortcomings identified in the 2009 TIP Report that resulted in the placement of Mali on the Tier 2 Watch List. These recommendations are often referred to as "high-priority" items for Tier 2 Watch List removal. However, sustained and significant anti-trafficking efforts by the government throughout the year will remain the basis for determining next year's tier placement. The interim assessment for Special Watch List countries (to include Tier 2 Watch List countries) will provide a progress report regarding the government's actions to address the short list recommendations designed to address the concerns that resulted in the country's placement on the Tier 2 Watch List in the 2009 TIP Report (high-priority items), but there will be no changes in tier ratings at that time. We will reconsider the government's tier placement when we conduct our annual full assessment for the March 2009-2010 reporting period next spring.
- [1](#)4. (SBU) Action request continued: The Department recognizes that Post may choose to use this opportunity to provide additional recommendations, beyond the recommendations for moving out of the Tier 2 Watch List. In such a case, we request that Post make clear to the

government which are the "high-priority" items to move off of the Tier 2 Watch List. The non-paper in para 9 includes both "high-priority" recommendations for Tier 2 Watch List removal and further-reaching goals for longer-term success in combating trafficking in persons in all 3 P areas: Prosecution, Protection, and Prevention. (For posts, background information: G/TIP will be asking for posts to report on the country's progress in meeting these recommendations by no later than November 15, 2009, in order to compile narratives for the interim assessment.)

¶15. (SBU) In preparation for the interim assessment and 2010 TIP Report, the Department is asking posts to work with host governments throughout the year to collect as many statistics as possible on law enforcement actions and judicial proceedings related to TIP crimes, specifically the Department requests data on investigations, prosecutions, convictions, and sentences (e.g., fines, probation, length of prison sentences imposed, asset seizure information when available). Whether a government collects and provides this data consistent with the government's capacity to obtain such data is considered in determining whether the government qualifies for Tier 1. Law enforcement statistics, when available, are a good way of highlighting how well a government enforced its law and demonstrates strengths and weaknesses in various approaches. Please note that host governments and embassies must interpret data terms provided by host governments such as indictments, charges, cases disposed, cases submitted for prosecution, etc., to ensure that they fit into one of the following categories: investigations, prosecutions, convictions or sentences.

The Department cannot accept "trafficking-related" law enforcement statistics (e.g, statistics on prostitution or smuggling offenses) because their direct correlation to trafficking crimes is not clear. The Department will accept only law enforcement data that fall into the following categories: (1) investigations, prosecutions, convictions, and sentences for offenses that are explicitly defined as trafficking; and (2) investigations, prosecutions, convictions, and sentences for offenses that are not defined explicitly as trafficking but in which the competent law enforcement or judicial authority has specific evidence indicating that the defendant was involved in trafficking.

¶16. (SBU) The Department is also asking Posts to engage with host governments on efforts to address amendments made by the 2008 Trafficking Victims Protection Reauthorization Act (TVPRA). As indicated in reftel C, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

¶17. (SBU) Please keep in mind the TIP Report measures host government efforts. In order for anti-trafficking activities financed or conducted principally by parties outside the government to be considered for tier placement purposes, Post needs to demonstrate a concrete role or tangible value-added by a host government in such activities carried out by NGOs, international organizations, or posts.

¶18. (U) Background Points:

Begin talking points:

-- The Obama Administration views the fight against human trafficking, both at home and abroad, as a critical piece of

our foreign policy agenda. We are committed to making progress on this issue in the months ahead by working closely with partners in every country.

-- The U.S. Government's Trafficking Victims Protection Act requires the State Department to submit an annual report to Congress on the status of foreign governments, efforts to combat trafficking in persons. Pursuant to the Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA), the Department created a special category for Tier 2 countries that do not show increasing efforts from the previous year, have a very significant number of victims, or whose Tier 2 rating is based on commitments to take additional steps over the next year.

-- Also as mandated by the TVPRA, by February 2010 the Department will submit to Congress an interim assessment. At the end of 2009 in preparation for that submission, the Department will conduct an assessment of Tier 2 Watch List countries' progress in responding to the specific issues of concern that resulted in the Tier 2 Watch List rating.

-- Mali was placed on Tier 2 Watch List in this year's Report because of a lack of evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year (or other relevant criteria).

-- We offer the following recommended actions (Action Plan for the Short-term) to tackle specific shortcomings highlighted in the 2009 TIP Report. We believe these to be within the reasonable ability of your government to fulfill in the near-term and encourage you to take prompt action for a positive narrative in the interim assessment. New tier evaluations will not occur at the interim assessment. We will reconsider a government's tier placement when we conduct our annual full assessment for the 2009-2010 reporting period next spring. Prompt, appropriate, and significant actions will lead to a more favorable tier placement; conversely, failure to address the issues mentioned above may lead to a Tier 3 placement.

-- We would welcome the Government of Mali's comments on these recommendations and any other ideas you might have to advance our common struggle against trafficking in persons.

-- In addition to the short list of recommendations corresponding to our concerns that resulted in your government's placement on the Tier 2 Watch List in the 2009 TIP Report, we offer additional suggestions of actions that your government may choose to take (Action Plan for the Long term). These further measures would be in addition to Mali's continuation of its current efforts to combat trafficking in persons.

End talking points.

#### 19. (SBU) Begin Action Plan for Mali:

Action Plan for the Short-Term: The following are recommended measures for a positive interim assessment in January 2010 and in the broader assessment of government efforts during the reporting period:

11. Increase efforts to prosecute and convict child trafficking offenders by investigating areas of the country where trafficking exists and investigating suspected traffickers for the purpose of arrest and prosecution. For example, in March 2008, officials arrested suspected traffickers of 26 children to Mali from Guinea. In June, the suspects were released pending trial, but as of March 2009, no trial date had yet been set. Follow-up on this and similar cases by moving forward with prosecutions of suspects.

Progress on this item will be measured by increased reports of trafficking prosecutions and convictions.

Take legal action against hereditary slavery. Currently, no

legislation criminalizing slavery exists in Mali, making prosecution of slavery related cases difficult. Mali has, however, ratified the 1981 African Human Rights Charter, which prohibits slavery. In addition, existing statutes regarding involuntary detention may be used in the prosecution of such cases. Moreover, Criminal Code Article 242 prohibits individuals from entering into agreements or contracts that deprive third parties of their liberty, another law that could be used to prosecute slavery cases. Anti-slavery activists have brought six slavery cases to the attention of judicial officials, one of which is that of a black Tamachek child taken from his parents in 2007 by an individual claiming traditional ownership rights over the child. The Government of Mali should take steps to apply these slavery-related laws to prosecute the six cases brought to courts by anti-slavery activists.

12. Increase efforts to rescue child trafficking victims and individuals subjected to conditions of hereditary slavery.

a. Investigate areas of the country where trafficking exists and remove victims from exploitation. For example, reports indicate that children are trafficked from neighboring countries to work in Malian rice fields, located in the zone of the Office du Niger. In addition, children are also reportedly trafficked to Malian gold mines, where they rub poisonous mercury into their hands to separate gold from soil. Malian authorities should make greater efforts to investigate reports of forced child labor in these and similar cases.

b. Rescue individuals subjected to conditions of slavery.

Progress on this item will be measured by increased investigations by Malian authorities into child trafficking and hereditary slavery and increased rescues of victims of these forms of exploitation.

II. Action Plan for the Long-Term: Other measures the government should consider to boost its overall anti-trafficking efforts:

#### Prosecution:

-- Draft and enact a law prohibiting the trafficking of adults.

-- Draft and enact a law prohibiting traditional hereditary slavery.

-- Develop a centralized crime database to record the number of trafficking cases investigated and the number of suspected traffickers arrested, prosecuted, and convicted in Mali. For those convicted, the database should record the length of sentences imposed.

-- Incorporate into the national law enforcement curricula a course on trafficking. The course should cover techniques for a) investigating trafficking cases; b) arresting traffickers and collecting evidence for their prosecution; c) rescuing victims and referring them for care; and d) interviewing victims to obtain testimony for prosecution.

#### Protection:

-- Consider developing a trafficking victim database that records the number of victims identified by police and referred to NGOs for care. The database should, to the best extent possible, record the type of trafficking the victim experienced, the age and gender of the victim, and the place of origin of the victim.

-- Increase efforts to interview rescued victims of trafficking and traditional hereditary slavery in order to collect evidence to prosecute their exploiters.

#### Prevention:

-- Reach out to the Government of Cote d'Ivoire to collaborate to combat trafficking of Malian children to Cote d'Ivoire's cocoa sector. In 2000, Mali and Cote d'Ivoire signed a bilateral agreement to address this, but since cooperation stalled when civil war broke out in Cote d'Ivoire.

-- Take steps to increase public awareness-raising about trafficking and traditional hereditary slavery through radio broadcasts and visits of government officials to communities throughout Mali to educate the population about these crimes.

End Action Plan.

110. (U) Department appreciates post's continued assistance and efforts in the fight to eliminate trafficking in persons.  
CLINTON